



## STAFF REPORT

### Town of Wellesley - Planning Department

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Application: PSI-14-01 - Project of Significant Impact Special Permit Application for Pleasant Street Townhomes

Subject Property: 20, 22, & 24 Pleasant Street (PID 136-96, 136-97, & 136-98)

Applicant: Capital Group Properties/William Depietri (Represented by David Himmelberger)

Property Owner: Elin Paltrineri

Date: ~~Report prepared 12/10/2014 for 12/15/2014 Planning Board Meeting~~  
**Report revised 12/12/2014 for 12/15/2014 Planning Board Meeting**

Staff Contact: Michael Zehner, Planning Director

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#### APPLICATION STATUS UPDATE

- A public hearing on the subject PSI special permit was originally opened on November 3, 2014. Following a presentation by the applicant, and questions and comments from members of the public and the Planning Board, the public hearing was continued until November 17, 2014. The continuation was in large part based on the outstanding recommendations from 3 of the 4 PSI review departments (Fire, DPW, and Board of Selectmen).
- On November 3, 2014, the Fire Department submitted an email indicating that the project meets associated minimum service standards, and recommended approval of the project (*attached*).
- On November 6, 2014, BETA (the Selectmen's traffic peer review consultant) issued project review comments to the Executive Director and Board of Selectmen (*attached*).
- On November 10, 2014, TEC (the applicant's traffic consultant) issued a response to BETA's comments (*attached*).
- On November 10, 2014, the Board of Selectmen voted to accept the submitted Transportation Study, and recommended approval of the project with conditions.
- On November 17, 2014, the Planning Board continued the public hearing until December 15, 2014, at the request of the applicant.
- On November 19, 2014, the Board of Selectmen issued a memorandum indicating their recommendation on the project (*attached*).
- On November 20, 2014, the Police Chief submitted a memo indicating that the project presented no public safety or service issues (*attached*).

- On December 8, 2014, the applicant submitted a letter, dated December 3, 2014, responding to the comments issued by the Department of Public Works in a memo dated October 29, 2014. Additionally, the applicant submitted revised drainage calculations, and revised plan sheets 1 thru 5 (*attached*).
- On December 12, 2014, the Department of Public Works issued a memorandum indicating their recommendation on the project (*attached*).

## APPLICATION OVERVIEW

The subject application is a Project of Significant Impact ("PSI") Special Permit application for a townhouse development on Pleasant Street. The project site has an area of 1.114 acres (48,525.84 sq. ft.) and 120' of frontage along the west side of Pleasant Street, and is comprised of three (3) formerly separate parcels, 20 Pleasant Street (PID 136-96), 22 Pleasant Street (PID 136-97), and 24 Pleasant Street (PID 136-98); the parcels were combined through the recording of an 81X/perimeter plan with the Registry of Deeds on September 18, 2014. A single, existing dwelling is currently located on the property.

The property is located within the General Residence District zoning district. The Applicant is proposing to develop six (6) townhomes with a total newly constructed floor area of 15,000 square feet (2,500 sq. ft. per unit). Additionally, the Applicant is proposing to construct and/or install other site improvements, to include an access drive, parking spaces, retaining and landscaping walls, stormwater systems, lighting, and site landscaping

A PSI special permit is required for any construction project (except for one-family or two-family dwellings) having an aggregate total of 1) newly constructed floor area of 10,000 or more square feet, or 2) renovated, altered and/or replacement floor area of 15,000 or more square feet in a building having 15,000 or more square feet of ground coverage to provide for a use which is different from the existing use." Standard 1 is applicable to the subject project.

## REVISED PLANS

As depicted in the revised plans, the following proposed features of the project have been altered:

1. The footprints of the townhomes have been altered, become more *regular*.
2. The project driveway has been altered, replacing dedicated parking areas with space immediately abutting the garages for the units.
3. The original grass pavers adjacent to unit #1 (now unit 24-3) have been retained, with an additional area added between the two buildings.

4. The location of proposed stormwater infiltration chambers has been altered so that the chambers are at least ten (10) feet from the property line common with the Crestwood Condominiums.

## **ZONING DEVELOPMENT STANDARDS**

Within the General Residence District zoning district (Zoning Bylaw, Section IV), “town house<sup>1</sup> of three or more units” are allowed, subject to specific dimensional requirements, based on whether the units are “conventional” or assisted/affordable. The applicant has not indicated that any of the units are to be assisted/affordable (which would allow for increased density and reduced dimensional requirements) and has noted compliance with the Category A requirements on the submitted plans<sup>2</sup>.

In addition to compliance with dimensional requirements, the development must also comply with Off-Street Parking and Retaining Wall regulations.

### Parking

Section XXI, *Off-Street Parking*, requires two spaces on the lot for each dwelling unit, for town houses in the General Residence District; therefore, twelve (12) parking spaces are required. Originally, the proposal indicated nineteen (19) spaces, twelve (12) within garages and seven (7) additional spaces in dedicated parking areas (one of which utilized grass pavers). The revised plans indicate a total of twenty-four (24) spaces, to include the twelve (12) garage spaces, as well as area outside of each unit for twelve (12) additional spaces (2 per unit). While Section XXI contains development standards for parking areas, these are only required of parking areas (understood to refer to non-garage areas) devoted to the off-street parking of fifteen (15) or more vehicles.

### Retaining Walls

Section XXIID, *Retaining Walls*, regulates retaining walls that retain four (4) or more feet of unbalanced fill. Based on the submitted plans, newly constructed retaining walls will retain less than four (4) feet of fill.

## **PSI REQUIREMENTS**

As previously noted, the proposed development is subject to a PSI special permit based on the total newly constructed floor area. Per the Zoning Bylaw, the Planning Board serves as the Special Permit Granting Authority for PSI special permits.

Section XVIIA, *Project Approval*, of the Zoning Bylaw, requires the Applicant to “submit...a Municipal Systems Impact Analysis (MSIA), prepared by professional engineers registered in the Commonwealth of Massachusetts, and identifying the

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<sup>1</sup> “Town House” defined in the Zoning Bylaw as “A dwelling containing two or more dwelling units, each sharing one or more party walls with another dwelling unit, and having at least one floor at ground level with direct access to open space on two or more sides.”

<sup>2</sup> See Sheet 1 - Existing Conditions & Layout & Materials

impact of the Construction Project on water, sewer, storm drainage, electric, traffic, intersections, sidewalks and footways, building occupant life safety, refuse disposal and recycling.” The intent of the analysis by the Applicant, Review Departments, and the Planning Board being to “determine the impact on the Town's existing capital infrastructure in order to assess costs of providing or upgrading Town public facilities which will benefit a PSI.”

## **MSIA Review and Minimum Service Standards**

Upon receipt, the application materials, including the MSIA, were forwarded to the four (4) review departments, to review and consider approval of the project with respect to its impact on the following services and minimum service standards:

### Department of Public Works

Water - There shall be sufficient water capacity to meet the flow demands of the proposed use without causing municipal water flow characteristics off site to fall below the standards adopted by the Board of Public Works.

Sewer - There shall be sufficient sewer capacity to meet the flow demands of the proposed use without causing surcharge in those sewer lines which serve the project and consistent with the standards adopted by the Board of Public Works.

Storm Drainage - There shall be sufficient storm drainage capacity to meet the flow demands of the proposed development site without causing surcharge in those storm drainage lines which serve the project and consistent with the standards adopted by the Board of Public Works.

Refuse Disposal System - Refuse recycling and disposal systems, consistent with the standards adopted by the Board of Public Works, shall be provided.

### Municipal Light Plant (“MLP”)

Electric - There shall be sufficient electrical capacity to meet the peak service demands of the proposed use without causing the service in adjacent areas to fall below the standards adopted by the Municipal Light Board.

### Board of Selectmen

Traffic, Pedestrian and Bicycle Safety - With respect to all signalized impacted intersections<sup>3</sup>, and any unsignalized impacted intersections having 50 or more PH

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<sup>3</sup> “Roadway Impacted by Development Traffic” defined as “A roadway segment, including one or more approaches to an intersection, shall be considered as impacted if traversed by 20 or more vehicles related to the project in a single direction during any single hour and it:

- a. a signalized intersection and ADT or PH will increase by 5% or more; or
- b. is an unsignalized intersection with a minor street approach PH of 50 or more vehicles; or
- c. is substandard, as determined by the Town Engineer, in terms of structure, pavement surface, or other deficiencies; or

vehicle trips on any minor approach, there shall be no degradation in the overall level of service designation to a level below the level of “C” and, if an impacted intersection is projected to operate at an overall level of service lower than “C” in a design year no-build alternative, then the proposed development shall not degrade the level of service designation below the projected design year no-build levels; and

With respect to unsignalized impacted intersections having fewer than 50 PH vehicle trips on any minor approach, the Applicant shall undertake an evaluation to identify any specific circumstances requiring further action or mitigation, which may be the subject of negotiated improvements at the discretion of the Planning Board. For purposes of clause 1 above, the “overall level of service” for an unsignalized impacted intersection shall be considered to be the worst of the individual levels of service for each of the minor movements.

Pedestrian and bicycle circulation shall be provided in accordance with recognized safety standards; provided in all cases sidewalks within a walking distance of 600 feet of the Project shall be provided and in addition sidewalk connections within such radius to surrounding neighborhoods and to public transportation shall be provided as required by the Special Permit Granting Authority in a safe and convenient condition and consistent with standards of the Massachusetts Highway Project Development and Design Guide.

#### Fire Department

Fire Protection and Life Safety - There shall be sufficient municipal fire alarm system capacity to meet the operating requirements of the proposed use under applicable codes, regulations and statutes enforced by the Fire Chief. There shall be off-site fire protection facilities serving the development site in the opinion of the Fire Chief meeting the needs of the project based on the intended use and occupancy including fire flow requirements, location of and access to fire hydrants and access for emergency vehicles. The Fire Chief may require a comprehensive emergency plan which shall include an evacuation plan satisfactory to the Fire Chief and meeting the specifications and standards adopted by the Fire Chief.

#### **PSI REVIEWS**

Prior to the November 3 Planning Board meeting, only the MLP had submitted review comments indicating their approval of the project. Following the November 3 meeting, the Fire Department and Board of Selectmen submitted recommendations that the project be approved<sup>4</sup> (the recommendation from the Board of Selectmen includes suggested conditions).

The Department of Public Works issued initial comments in a memo dated October 29, 2014; while those comments appeared to indicate that the DPW is satisfied with the

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d. exhibits safety problems as identified by the Town Engineer, Town Traffic Engineer or other qualified professional as determined by the Planning Board.

<sup>4</sup> Refer to October 24, 2014 letter from Debra Healy (MLP), November 3, 2014 email from Deputy Chief DiGiandomenico, and November 19, 2014 memo from the Board of Selectmen

project in relation to Sewer and Refuse Disposal systems, the comments required the submittal of additional information related to Stormwater and Water services before a final recommendation could be issued. The applicant's submittal on December 8, 2014 was in response to these comments. ~~Staff has not yet received revised comments or a final recommendation on the project from the DPW.~~ *The DPW provided a memorandum on December 12, 2014 indicating that they are satisfied with the project as submitted and revised, confirming that the proposed project does not negatively affect minimum service standards related to water, sewer, storm drainage, and refuse disposal.*

## **PLANNING BOARD ACTION**

Per the Zoning Bylaw, the Planning Board is not authorized to make a decision on the application until it has been referred to, reviewed, and approved by the PSI Review Departments. ~~Due to the outstanding recommendation from the DPW, the Planning Board is not able to take an action on the application at this time.~~ The Zoning Bylaw also indicates that the Planning Board shall grant a special permit provided the aforementioned minimum service standards are met. *Recommendations supporting approval of the project have been received from all PSI Review Departments.*

### Authority for Design Alternatives, Negotiated Improvements, and Conditions

As provided in the Zoning Bylaw, following the review of the MSIA, the Applicant or the Planning Board may propose specific design alternatives and/or off-site Negotiated Improvements to municipal facilities to meet minimum service standards. The Planning Board is authorized to incorporate these design alternatives and improvements as conditions in special permit PSI approval. Based on a review of the application and plans, standard practices, and comments from the Review Departments, Staff would suggest that the Planning Board consider imposing the following conditions on the PSI special permit:

1. The owner/developer shall construct all improvements in substantial accordance with the following plans, except where modifications are required in accordance with other required conditions:
  - a. *Sheet 1 - Existing Conditions & Layout & Materials Plan prepared by Engineering Design Consultants, Inc., dated September 5, 2014, last revised November 26, 2014;*
  - b. *Sheet 2 - Grading & Utilities Plan prepared by Engineering Design Consultants, Inc., dated September 5, 2014, last revised November 26, 2014;*
  - c. *Sheet 3 - Details Plan prepared by Engineering Design Consultants, Inc., dated September 5, 2014, last revised November 26, 2014;*
  - d. *Sheet 4 - Lighting Plan prepared by Engineering Design Consultants, Inc., dated September 5, 2014, last revised November 26, 2014;*

- e. *Sheet 5 - Landscaping Plan prepared by Engineering Design Consultants, Inc. and William Fleming Associates, Inc., dated September 5, 2014, last revised November 26, 2014; and*
  - f. *Sheet 6 - Landscaping Plan (color rendering) prepared by Engineering Design Consultants, Inc. and William Fleming Associates, Inc., dated September 5, 2014, last revised September 18, 2014.*
- 2. Modifications or material changes to the Project shall be presented to the Planning Board for review. The Planning Board shall determine whether such changes generate an intensification of use. If such changes generate an intensification of use, the owner/developer shall prepare and submit to the Planning Board a report or reports, prepared by engineers who meet the requirements of the Zoning Bylaw for preparation of Municipal Service Impact Analysis, showing whether the minimum service standards continue to be met. If any such report shows that one or more of the service standards are not met, based on additional impact generated by the Project owing to the material change or intensification of use, or if any required negotiated improvements or conditions cannot be completed, the owner/developer shall meet with the Planning Board to negotiate reasonable additional or alternative mitigation measures. This requirement shall not be interpreted as waiving any provision of the Project of Significant Impact process.
- 3. Prior to the issuance of Site Plan Review approval by the Zoning Board of Appeals, or the issuance of permits by the Building Department, the Department of Public Works shall confirm their approval of all planned work associated with the municipal water system, sewer system, storm drainage system, and refuse disposal system, both on and off-site. Prior to the issuance of a Certificate of Occupancy for the first residential unit within the project, the owner/developer shall submit to the Department of Public Works as-built plans for all applicable utilities and systems installed, and the Department of Public Works shall confirm that all work has been completed to the Department's satisfaction.
- 4. All work regarding the municipal electric system, both on and off-site, shall be completed to the satisfaction of the Municipal Light Plant prior to the issuance of a Certificate of Occupancy for the first residential unit within the project.
- 5. Plans submitted to the Zoning Board of Appeals for Site Plan Review shall incorporate the following, and these features shall be installed prior to the issuance of a Certificate of Occupancy for the first residential unit within the project:
  - a. A stop sign and associated stop bar shall be installed along the site drive, at the intersection with Pleasant Street; and
  - b. A separate and dedicated pedestrian sidewalk or path shall be provided, connecting the site to the sidewalk along Pleasant Street.

6. The owner/developer shall be required to install the following improvements within the public right-of-way of Pleasant Street. Prior to installation, the Board of Selectmen (or their staff designee) shall approve the specifications for these features. Prior to the issuance of a Certificate of Occupancy for the first residential unit within the project, the Board of Selectmen (or their staff designee) shall confirm that such improvements have been installed as approved.
  - a. An s-shaped warning sign shall be added to the top of the existing 20 MPH advisory speed sign located along Pleasant Street;
  - b. A 20 MPH advisory sign shall be mounted below the existing "Blind Drive" sign located along the east side of Pleasant Street;
  - c. Suitable ADA ramps and crosswalk markings shall be provided at the site driveway curb cut at Pleasant Street; and
  - d. A tie-in of the pedestrian sidewalk or path required in condition 5. b. to the sidewalk along Pleasant Street.
7. Prior to the issuance of any permits from the Building Department and prior to the issuance of any and all Certificates of Occupancy for residential units within the project, the Planning Director shall be responsible for determining the compliance of the project, and any plans therefor, with the PSI special permit and these conditions. During the course of construction, the Planning Director shall have access to the project site with reasonable notice to the owner/developer.

## **FUTURE REVIEWS**

If the subject PSI special permit is approved, as a Major Construction Project the project will require Site Plan Review by the Zoning Board of Appeals (with a review and recommendation by the Design Review Board) prior to the issuance of building permits.

### Design Review Board Preliminary Reviews

The Applicant presented the proposal to the Design Review Board on October 22, 2014 for a preliminary review (*minutes attached*). The DRB requested that the Applicant consider addressing the following prior to submitting for review under Site Plan Review:

1. Elevation drawings for each side of project;
2. Substitution of grass pavers with another type of permeable paver;
3. Incorporation of real stone material on façade;
4. A photometric plan;
5. And increase of the shrub heights shown in planting plan;
6. Cedar material for fence along Pleasant Street; and
7. An illustrative rendering showing realistic view of the project from Pleasant Street.

## STAFF RECOMMENDATION

~~Since the recommendation of the Department of Public Works is outstanding, Staff recommends that the Planning Board continue the public hearing until January 5, 2015. The Planning Board should consider noting their acceptance of the recommendations from the MLP, Fire Department, and Board of Selectmen.~~ Based on the receipt of recommendations of approval from all PSI Review Departments, the Planning Board is authorized to make a decision on the application. As noted above, Staff would recommend that the Planning Board consider making any approval of the project contingent on certain conditions. Staff is of the opinion that conditions 1, 2, 3, 4, and 7 are necessary to ensure that the project is developed in a manner consistent with the submitted plans and materials. Staff is of the opinion that conditions 5 and 6 are necessary to ensure that Traffic, Pedestrian, and Bicycle Safety minimum service standards are met, as recommended by the Board of Selectmen. Beyond conditions 1, 2, 3, 4, and 7, Staff is of the opinion that no additional conditions are necessary to ensure that minimum service standards are met for Water, Sewer, Storm Drainage, Refuse Disposal System, Electric, and Fire Protection and Life Safety.

After the close of the public hearing, the Board must reach a decision within 90 days. Once the Board reaches a decision, the decision and records of the Board's proceedings must be filed with the Town Clerk within 14 days. Staff suggests that the Planning Board not make a decision on the application until they are provided with a written version of the decision in a form that is acceptable or that is easily modified with direction to Staff.

### Previously Distributed Documents:

2. Area Map;
3. Public Hearing Notice;
4. Application Form for Review of Project of Significant Impact, dated "Received September 24, 2014";
5. Application Letter from David Himmelberger, dated "Received September 24, 2014";
6. Municipal Systems Impact Analysis Letter prepared by Walter Lewinski, P.E., Engineering Design Consultants, Inc., dated September 19, 2014 and "Received September 24, 2014";
7. Traffic Impact Evaluation Letter prepared by Rebecca Brown, PE, PTOE, The Engineering Corp., dated September 9, 2014 and "Received September 24, 2014";
8. Traffic Impact Evaluation Letter prepared by Rebecca Brown, PE, PTOE, The Engineering Corp., dated September 18, 2014 and "Received September 24, 2014";

9. *Drainage Calculations for a Proposed Residential Development located at 22 Pleasant Street, prepared by Engineering Design Consultants, Inc., dated September 5, 2014 and "Received September 24, 2014;*
10. *Letter from Debra Healy, Municipal Light Plant, dated October 14, 2014 (previously noted in error as "October 24, 2014");*
11. *Fire Department Comments from Maurice Pilette, PE, CFPS, CET-IV (Fire Department Consultant), contained in email dated October 6 , 2014;*
12. *DPW Comment Memorandum from George Saraceno, dated October 29, 2014;*
13. *The following Project Plans:*
  - a. *Plan of Land (81X/Perimeter Plan) prepared by Engineering Design Consultants, Inc., dated January 8, 2014 and recorded September 18, 2014;*
  - b. *Sheet 1 - Existing Conditions & Layout & Materials Plan prepared by Engineering Design Consultants, Inc., dated September 5, 2014, last revised September 26, 2014;*
  - c. *Sheet 2 - Grading & Utilities Plan prepared by Engineering Design Consultants, Inc., dated September 5, 2014, last revised September 26, 2014;*
  - d. *Sheet 3 - Details Plan prepared by Engineering Design Consultants, Inc., dated September 5, 2014, last revised September 26, 2014;*
  - e. *Sheet 4 - Lighting Plan prepared by Engineering Design Consultants, Inc., dated September 5, 2014, last revised September 26, 2014;*
  - f. *Sheet 5 - Landscaping Plan prepared by Engineering Design Consultants, Inc. and William Fleming Associates, Inc., dated September 5, 2014, last revised September 18, 2014;*
  - g. *Sheet 6 - Landscaping Plan (color rendering) prepared by Engineering Design Consultants, Inc. and William Fleming Associates, Inc., dated September 5, 2014, last revised September 18, 2014; and*
  - h. *Architectural Rendering*
14. *An email from David Himmelberger, dated November 11, 2014, requesting that the continued public hearing on the subject PSI application scheduled to be held on November 17, be continued to the Planning Board meeting on December 15*

*Attached Documents:*

1. *October 22, 2014 Design Review Board meeting minutes;*

2. Fire Department Recommendation - email from Deputy Chief DiGiandomenico, dated November 3, 2014;
3. BETA project review comments - letter from Kien Ho, dated November 6, 2014;
4. TEC letter responding to BETA comments, dated November 10, 2014;
5. Board of Selectmen Recommendation - memo dated November 19, 2014;
6. Police Chief project review comments - memo dated November 20, 2014;
7. Letter from Peter Bemis with Engineering Design Consultants, dated December 3, 2014;
8. Drainage Calculations for a Proposed Residential Development located at 22 Pleasant Street, prepared by Engineering Design Consultants, Inc., dated September 5, 2014, Revised November 3, 2014, Revised November 26, 2014 – **this document replaces the previously distributed document of the same name, dated September 5, 2014 and “Received September 24, 2014;**
9. The following Project Plans (both 11 x 17 and full-size):
  - a. Sheet 1 - Existing Conditions & Layout & Materials Plan prepared by Engineering Design Consultants, Inc., dated September 5, 2014, last revised November 26, 2014 - **this document replaces the previously distributed document of the same name, dated September 5, 2014, last revised September 26, 2014;**
  - b. Sheet 2 - Grading & Utilities Plan prepared by Engineering Design Consultants, Inc., dated September 5, 2014, last revised November 26, 2014 - **this document replaces the previously distributed document of the same name, dated September 5, 2014, last revised September 26, 2014;**
  - c. Sheet 3 - Details Plan prepared by Engineering Design Consultants, Inc., dated September 5, 2014, last revised November 26, 2014 - **this document replaces the previously distributed document of the same name, dated September 5, 2014, last revised September 26, 2014;**
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  - e. Sheet 5 - Landscaping Plan prepared by Engineering Design Consultants, Inc. and William Fleming Associates, Inc., dated September 5, 2014, last revised November 26, 2014 - **this document replaces the previously distributed document of the same name, dated September 5, 2014, last revised September 26, 2014;**
10. **Department of Public Works Recommendation - memo dated December 12, 2014**